

## Remarks/Arguments

Claims 1, 2, 4-15, 18, 19 and 27 remain in this application. Claims 20 and 26 have been cancelled.

The Applicants note the request by the examiner that all future amendments be in the format required by the MPEP. Applicants believe the previously submitted amendment as well as the present amendment conform to the MPEP in particular Applicants wish to point the examiner to MPEP 714 (Section III) entitled "Revised Manner of Making Amendments", pages 700-191 to 700-193, effective Januray 31, 2003 and more importantly, conform to the amended Code of Federal Rules, 37 CFR 1.121(c ) effective as of July 30, 2003.

Applicant's attorney is happy to discuss and if necessary correct any errors in the form of the amendment that is submitted and invites the examiner to call him at the number below to address any particular concerns that he may have in that regard.

Claims 1-4, 9, 10, 13- 15 have been rejected under 35 USC 102(b) or in the alternative under 35 USC 103(a) over Pearl et.al. Applicants disagree.

Pearl fails to teach or suggest an integral sealing means or gasket formed through the filter or feed screen and extending out from at least one side of the surface into which it is formed nor does Pearl teach or suggest that such a structure is formed of the claimed materials.

Pearl does not teach or suggest the use of an elastomeric material to form a sealing means. Rather it uses an insert molding technique to create a molded sealed assembly. It quite unlike the present invention which requires the formation of a flexible or resilient sealing means such as a gasket formed in place on the desired layer in the desired position. It may then be overmolded to form

a device similar to Pearl or used in a more traditional plate type of device. As this is neither taught nor suggested by Pearl, Pearl is believed not to be an anticipatory reference.

As such Pearl fails to anticipate the claims.

Claims 1, 2, 4,10,13, 14, and 18 have been rejected under 35 USC 102(b) or in the alternative 35 USC 103(a) over Ondrick.

Ondrick shows a multiple layered diffusion dialysis device for the cleaning of plating acids. It is formed of several layers of rectangular gasket material formed from sheets of material (80, 82,84), a membrane sheet, a second set of rectangular gasket material formed from sheets of material (90, 92,94), and a separate open network member (86) disposed within the open chamber formed by the gaskets on each side of the membrane. The sheets of gasket material have holes formed in their periphery to form the various ports. It fails to teach or suggest the use of an integral gasket or sealing means formed through the filter or screen layer around an opening as is currently claimed and therefore is not an anticipatory reference.

Moreover, the presently claimed invention would not have been obvious from Ondrick to one of ordinary skill in the art . Ondrick doesn't suggest an integral gasket formed through the filter or screen layer around an opening on a filter or screen. Instead it forms openings on a separate gasket sheet and uses a free floating screen layer within the void of the separate gasket layers. There is nothing that would suggest to one of ordinary skill in the art to abandon the concept of Ondrick and adopt the embodiment of the present invention.

Claims 5-9, 11, 12, 15 and 25 have been rejected under 35 USC 103(a) over Ondrick.

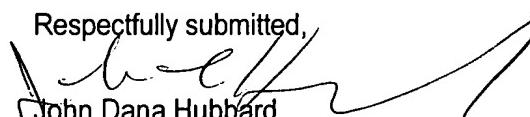
It is stated in the Office action that Ondrick teaches all the elements of the claims except that they extend above the screen surface and that they be injection molded or O-rings. Applicants

disagree with this assertion. Ondrick doesn't even teach or suggest that the gasket be in contact with the screen let alone be formed on the screen. Instead Ondrick uses a series of layers of gaskets, each having an open interior so the gasket layers are only at the outer edges, they are stacked on top of each other and held together by a series of rods that extend through holes formed in their edges. The screen free floats within a cavity formed by the stacked gaskets and does not interface with the gaskets. One of ordinary skill in the art would not have been suggested the present invention from the teachings of Ondrick. To the contrary, Ondrick teaches away from the present invention by suggesting that the screen and gaskets be separate and distinct elements.

Claim 27 has been rejected under 35 USC 103(a) over Watanabe. Watanabe teaches the use of two O-rings "fitted around" the outer circumference of the lid of its device. It is the classic method of using O-rings and it suffers the same issues, namely, the potential for displacement or damage during handling and the ability to leave recesses available for bacterial growth behind and beside the O-ring fitted into the grooves. . There is nothing in the reference to each or suggest that one could form the O-Rings in the recesses directly rather than as separate elements that are "fitted around" the lid. As such, the present claim is not suggested by Watanabe.

Reconsideration and allowance are respectfully requested in view of the foregoing amendment and remarks.

Respectfully submitted,



John Dana Hubbard

Attorney for Applicants  
Reg. No. 30, 465

March 12, 2004  
Millipore Corporation  
290 Concord Road

Appl 09/937,114

Amdt dated March 12,2004

Reply to Office Action of January 2, 2004

Billerica, Massachusetts 01821

Tel.: (978) 715-1265

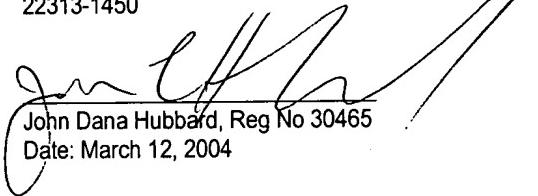
Fax: (978) 715-1382

**Certificate of Mailing/Transmission (37 CFR 1.8)**

I hereby certify that this correspondence is, on the date shown below, being:

**Mailing**

deposited with the United States Postal Service with sufficient postage a first class mail in an envelope addressed to the Commissioner for Patents ,P.O. Box 1450, Alexandria, VA 22313-1450



John Dana Hubbard, Reg No 30465  
Date: March 12, 2004

**Facsimile**

transmitted by facsimile to the Patent and Trademark Office at (703) \_\_\_\_.

---

John Dana Hubbard, Reg No 30465  
Date: March 12, 2004